

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Brake et al. :

APPLICATION NO.: Not Yet Known : Examiner: Not Yet Assigned

FILING DATE: Herewith : Group Art Unit: Not Yet Known

TITLE: NEOSPORA VACCINE :

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PRELIMINARY AMENDMENT**

Please amend the subject application as follows:

**In the claims:**

Please cancel claims 1– 28 and 39-51.

**REMARKS**

This is a divisional application from U.S. Serial No. 09/138,985, in which a restriction requirement was issued on December 13, 1999, restricting the application to one of the following four groups:

- I. Claims 1 – 18 and 39 – 46, drawn to a homogenate or a vaccine or a combination vaccine or a kit prepared from cells of Neospora, classified in class 530, subclass 350;
- II. Claims 19 – 28, drawn to a method for preparing a vaccine comprising homogenizing cells from Neospora, classified in class 435, subclass 71.1;
- III. Claims 29 – 38, drawn to a method for protecting a mammal against neosporosis administering a vaccine, classified in class 514, subclass 12;
- IV. Claims 47 – 51, drawn to an antibody, classified in class 530, subclass 387.1.

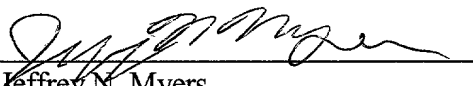
In parent application 09/138,985, applicants elected group I, claims 1 - 18 and 39 - 46. This divisional application is filed to prosecute the invention of group III, claim 29-38.

Accordingly, applicants have hereinabove canceled claims 1-28 and 39-51 without prejudice to applicants' right to pursue the subject matter of the canceled claims in one or more continuation or divisional applications. Claims 29-38 are pending.

A favorable response is earnestly solicited.

Respectfully submitted,

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